

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
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VIA ECF

September 29, 2021

Honorable Sarah Netburn, U.S. Magistrate Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

Pursuant to the Court's Order at ECF No. 7146, the Plaintiffs' Executive Committees provide the following list of expert witnesses regarding the claims against the Jurisdictional and Merits Defendants,¹ with a brief description stating the subject of that expert's testimony.

Comras, Victor – Mr. Comras offers opinions in the following areas: The involvement of Yassin Kadi and Wa'el Jelaidan in providing material support and/or resources to al Qaeda and its affiliates, and in conspiring with and aiding and abetting al Qaeda's targeting of the United States; evidence of financial irregularities and practices of Kadi and Jelaidan that reflect typical terrorist financing modes and methodologies; the ways in which the support by Kadi and Jelaidan enhanced al Qaeda's global strike capabilities and enabled the 9/11 attacks; the organizational and financial structures of Kadi and Jelaidan and evidence that their material support of al Qaeda and affiliated organizations was conducted with the awareness and knowledge of Kadi and Jelaidan. Specific topics include Terrorism Financing Risk Factors and "Red Flags", Kadi's and Jelaidan's relationship with Osama Bin Laden, the relationship between Kadi and Jelaidan, the Muwafaq Foundation and its support to al Qaeda, Kadi's business dealings in support of al Qaeda, and the US and UN designations of Kadi and Jelaidan as supporters of al Qaeda. Mr. Comras also provides testimony in rebuttal to opinions of defense expert Jonathan Benthall, and responds to criticisms of his case-in-chief opinions.

¹ Dubai Islamic Bank, World Assembly of Muslim Youth and World Assembly of Muslim Youth International, International Islamic Relief Organization, Muslim World League, Abdullah Omar Naseef, Abdullah bin Saleh al Obaid, Abdullah Mohsen al Turki, Adnan Basha, and Yassin Kadi.

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Gurulé, Jimmy – Professor Gurulé’s testimony is offered in rebuttal to the opinions of defense experts and addresses the following issues: the significance of economic sanctions in combatting the threat of international terrorism, specifically, economic sanctions under Executive Order 13224; explaining the process used to designate individuals and entities as Specially Designated Global Terrorists under E.O. 13224, the significance of being designated an SDGT, and the integrity and credibility of the SDGT designation process as essential to securing international cooperation in curtailing terrorist financing, including the blocking of terrorist assets under UN Security Council Resolutions 1267 and 1333, and related Security Council resolutions.

Jenkins, Brian Michael – Mr. Jenkins offers opinions in the following areas: The origin, planning, and development of the 9/11 plot (including discussion of various precursors and testing of previous plots); the roles of actors in originating, planning, and developing the plot; the training and selection of operatives; operational aspects of the plot and attack; and the events of the day of the 9/11 attacks.

Kohlmann, Evan – Mr. Kohlmann offers opinions in the following areas: The involvement of the MWL, IIRO, and WAMY in providing material support and/or resources to al Qaeda and its affiliates; the involvement of the MWL, IIRO, and WAMY in conspiring with and/or aiding and abetting al Qaeda’s targeting of the United States; financial irregularities and practices on the part of the MWL, IIRO, and WAMY that reflect typical terrorist financing modes and methodologies; the ways in which the support provided by the MWL, IIRO, and WAMY enhanced al Qaeda’s global strike capabilities and enabled the 9/11 attacks; the concept of da’awa, and the missions, objectives, and activities of the MWL, IIRO, and WAMY; the organizational and financial structures of the MWL, IIRO and WAMY and evidence that their material support of al Qaeda and affiliated organizations was conducted with the awareness and knowledge of the senior officials who headed those organizations. Mr. Kohlmann also testifies in rebuttal to opinions of defense experts Barron, Benthall, Blankinship, Brown, Freeman, Marks, Roy, Sageman, and Sidel, and responds to criticisms by defense experts of his case-in-chief opinions.

Levitt, Matthew – Dr. Levitt offers opinions in the following areas: The origin, evolution, mission, and development of al Qaeda, its development in the Sudan and its transition to Afghanistan; the history of Osama bin Laden’s decision to target and attack the West (including the US, and including the history of early fatwas); and addressing whether people working with Osama bin Laden and other al Qaeda-related entities would know of bin Laden’s and Al Qaeda’s mission; the role of ostensible charitable organizations (specifically, MWL, IIRO, WAMY, and al Haramain) in providing financing and other material support to bin Laden and al Qaeda-related entities leading into the 9/11 attacks; the concept of da’awa, and the missions, objectives, and activities of the MWL, IIRO, and WAMY. Dr. Levitt also testifies in rebuttal to expert opinions of defense experts regarding the reliability of U.S. government reports, the disputed reliability of U.S Treasury Department Designations, the disputed provenance and reliability of a 1996 CIA Report, limitations of the Harmony Database and similar documents, and responds to criticisms by defense experts of his case-in-chief opinions.

Winer, Jonathan – Mr. Winer offers opinions in the following areas: Al Qaeda’s pre-9/11 financial needs and sources of funding; the role of ostensible charities in providing funding and other resources to al Qaeda; the manner that support to al Qaeda enhanced al Qaeda’s strike capabilities to

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enable it to carry out the 9/11 attacks; the types of programs ostensible charities exploited as cover to channel resources to al Qaeda; the existence or absence of internal records of ostensible charities supporting al Qaeda; financial improprieties and irregularities reflected in audits and financial documents of ostensible charities; whether, and if so, how, al Qaeda used its relationships with ostensible charities to channel resources to aligned terrorist organizations and causes; how those activities advances al Qaeda's terrorist mission; the role of ostensible charities in providing support to Al Qaeda pre-9/11 and its immediate aftermath; the distinction, if any, between material support given for humanitarian purposes or terrorism purposes; the purpose and operation of the EO 13224 and UN designation programs; the significance and import of the U.S. government's engagements with Emirati officials concerning Dubai Islamic Bank prior to 9/11 and State Department spokesman James Foley's statements relating to those engagements, and the significance and import of the investigations and account closures described in the testimony of Alan Fine. Mr. Winer also testifies in rebuttal to expert opinions of defense experts regarding the use of audits and other financial controls by Islamic charities, the reliability and significance of U.S. government intelligence and designation reports, and the role of Islamic charities in al Qaeda's financial infrastructure and the importance of that support to transforming al Qaeda into a sophisticated terrorist organization capable of carrying out global attacks, and responds to criticisms by defense experts of his case-in-chief opinions.

Respectfully submitted,

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cc: The Honorable George B. Daniels, via ECF
All Counsel of Record via ECF